

September 26, 2007

FILED ELECTRONICALLY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: IB Docket No. 06-123
Ex Parte

Dear Ms. Dortch:

On September 12, 2007, Telesat Canada ("Telesat") filed an *ex parte* letter in the above-referenced proceeding.¹ In its letter, Telesat requested that the Commission, in order to accommodate international coordination requirements under the procedures of the International Telecommunication Union ("ITU"), be flexible in its application of the four-degree orbital assignment grid it has adopted for the 17/24 GHz Broadcasting-Satellite Service (the "17/24 GHz BSS"). Telesat showed that flexibility is warranted based on the Commission's rules enforcing ITU requirements and under FCC precedent.

To implement flexibility for purposes of international coordination, Telesat asked that the Commission include two related conditions in each grant of a 17/24 GHz BSS license. The first condition would make the grant subject to the licensee coordinating with satellite operators having International Telecommunication Union ("ITU") date priority. The second condition would make the orbital location specified in the grant subject to modification to an off-grid location if necessary to facilitate coordination with a satellite operator having ITU date priority.

EchoStar Satellite L.L.C. ("EchoStar") also has made a proposal for flexibility in application of the four-degree grid.² EchoStar's proposal "would allow applicants to operate indefinitely up to 1° 'off-slot' on a first-come, first-served basis at full power and interference

¹ Letter from Paul Bush, Vice President, Broadcasting and Corporate Development, Telesat, to Marlene H. Dortch, Secretary, FCC.

² See, e.g., Letter from Bradley K. Gillen to Marlene H. Dortch (Sept. 20, 2007); Letter from Linda Kinney to Marlene H. Dortch (May 25, 2007); Letter from Linda Kinney to Marlene H. Dortch (July 20, 2007) ("Echostar July 20 letter").

protection.”³ The proposal would provide added flexibility for BSS operators seeking to use 12/17 GHz ITU Region 2 Plan BSS frequencies and 17/24 GHz BSS frequencies to serve customers via a single dish. EchoStar also has recognized that “[t]he 1° flexibility proposal ... addresses some of the concerns raised by international providers, which may require additional flexibility to protect current operations and/or integrate service with existing or planned facilities operating from non-U.S. orbital locations that do not align with the U.S. 4 degree orbital band plan.”⁴

Telesat generally supports EchoStar’s proposal, because the resulting additional flexibility potentially could resolve international coordination issues at orbital locations that are of concern to Telesat. In some cases, however, a one degree change may be insufficient for international coordination purposes. For example, in Telesat’s case, one of the four 17/24 GHz orbital positions for which it has been authorized, at 72.5° W.L., will be 1.5° away from the nearest FCC grid position. In the event that EchoStar’s proposal is adopted, therefore, departures from the 17/24 GHz BSS grid of more than one degree should be permitted if needed to facilitate international coordination.

Please direct any questions concerning this filing to the undersigned.

Respectfully submitted,



PER Paul D. Bush

cc. Aaron Goldberger, Office of Chairman Martin
Bruce Liang Gottlieb, Office of Commissioner Copps
Renee Roland Crittendon, Office of Commissioner Adelstein
Wayne Leighton, Office of Commissioner Tate
Angela Giancarlo, Office of Commissioner McDowell
Helen Dominici, International Bureau
Rod Porter, International Bureau
Gardner Foster, International Bureau
Robert Nelson, International Bureau
Cassandra Thomas, International Bureau
Karl Kensinger, International Bureau
Chip Fleming, International Bureau
Louise Klees-Wallace, International Bureau

³ Echostar July 20 letter at 2.

⁴ *Id.*